

## **CHAPTER 20.00**

### **GENERAL PROVISIONS**

#### **Sections:**

20.00.010	Title
20.00.015	Purpose
20.00.020	Establishment of Districts
20.00.025	Compliance Required
20.00.030	Effect and Intent
20.00.035	Permits or Licenses
20.00.040	Base Districts Designated
20.00.045	Overlay Districts Designated
20.00.050	Map Adopted by Reference
20.00.055	District Symbols
20.00.060	Illustrations
20.00.065	Rules for Interpretation

#### **20.00.010 Title**

This title shall be known as the "City of Newport Beach Zoning Code" and referred to as the "Zoning Code."

#### **20.00.015 Purpose**

This code is intended to promote the growth of the City of Newport Beach in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare, and to protect the character and social and economic vitality of all districts within the City, and to assure the orderly and beneficial development of such areas.

#### **20.00.020 Establishment of Districts**

The Zoning Code establishes zoning districts and regulations for the use of land and development of property for all the territory within the boundaries of the City.

#### **20.00.025 Compliance Required**

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with this code and all other ordinances, laws and maps referred to therein.

### **20.00.030      Effect and Intent**

When interpreting and applying the provisions of this code, it shall be held to represent the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by the adoption of this code to repeal or in any way to impair or interfere with any existing provision of law of the City of Newport Beach, or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration or enlargement of any legal building or improvement; nor is it intended by this code to interfere with or annul any easement, covenant, or other agreement between parties; provided, however, that in cases in which this code imposes greater restrictions than are imposed or required by other easements, covenants or agreements, than in such cases the provisions of this code shall control.

### **20.00.035      Permits and Licenses**

Permits and Licenses Not Affected. Nothing herein contained shall be deemed to repeal or amend any ordinance of the City requiring a permit or license or both to cover any business, trade or occupation.

Permit, Licence, Plan Check and Inspection Fees. The fee for each permit, license, plan check and inspection shall be established by resolution of the City Council.

### **20.00.040      Base Districts Designated**

A.      The base zoning districts established are as follows:

Residential-Agricultural (R-A) District  
Single-Family Residential (R-1) District  
Restricted Two Family Residential (R-1.5) District  
Two Family Residential (R-2) District  
Medium Density Residential (MDR) District  
Multi-Family Residential (MFR) District  
Retail Service Commercial (RSC) District  
Administrative, Professional, & Financial Commercial (APF) District  
Recreational & Marine Commercial (RMC) District  
Neighborhood Commercial (CN) District  
Manufacturing District (M-1) District  
Controlled Manufacturing (M-1-A) District  
Industrial Business Park (IBP) District  
Government, Educational, and Institutional Facilities (GEIF) District  
Open Space (OS) District  
Specific Plan (SP) District

Planned Community (PC) District

- B. References to Classes of Base Districts. References to R districts refer to all residential districts; references to C districts refer to all commercial districts; and references to I districts refer to all industrial districts. References to residential, commercial and industrial districts also refer to the corresponding portions of mixed use districts, unless otherwise noted.

**20.00.045 Overlay Districts Designated**

In addition to the base districts established above, the following overlay districts are established which, when combined with the above base districts, establish additional special regulations:

Specific Plan (SP) Overlay District  
B Overlay District  
Mobile Home Park (MHP) Overlay District  
Residential (R) Overlay District  
Site Plan Review (SPR) Overlay District  
Planned Residential Development (PRD) Overlay District  
IS (IS) Overlay District  
Parking Management (PM) Overlay District

**20.00.050 Map Adopted by Reference**

The designations, locations and boundaries of the zoning districts established by this code shall be shown upon the maps entitled "Districting Map for the City of Newport Beach, California" Any additional maps subsequently adopted and all notations and information thereon are hereby made a part of this code by reference.

**20.00.055 District Symbols**

In addition to the district designations established under Sections 20.00.040 and 20.00.045, the following symbols are established for the purpose of designating floor area limitations and residential densities. When these symbols are placed on the Districting Maps, the floor area and dwelling unit limitations as illustrated shall apply. The symbols and limitations shall be shown in the following manner:

- A. A number following the district symbol and enclosed by brackets shall designate the maximum floor area ratio permitted in relation to the buildable area of the site or the total number of square feet permitted for the area designated. Where the number of square feet, rather than floor area ratio is specified, the number of square feet shall be followed by the letters sf.

Examples: "RSC [0.5]" shall indicate that a fixed floor area ratio of 0.5 is permitted, as provided under Section 20.63.040 (A).

"RSC [0.5/.75]" shall indicate that a floor area ratio of 0.5 is permitted for Base FAR uses with a maximum floor area ratio of 0.75 permitted for Maximum FAR Uses, as provided under Section 20.63.040 (B).

"RSC [5,200 sf]" shall indicate that a total of 5,200 square feet of development is permitted in the area specified.

- B. A number following the district symbol and enclosed by parentheses shall designate the minimum number of square feet of land area required for each dwelling unit or the total number of dwelling units permitted for the area designated. Where the number of dwelling units, rather than square feet of land area per unit, is specified, the number of units shall be followed by the letters du.

Examples: "MFR (2178)" shall indicate that one dwelling unit is permitted for each 2,178 square feet of land area included in density calculations per Section 20.60.045;

"MFR (28 du)" shall indicate that a total of 28 dwelling units are permitted in the area specified.

- C. Notwithstanding dwelling unit limitations defined on the Districting Maps enabled above, dwelling unit limits for senior citizen housing facilities (where residency is limited to elderly persons) shall be as specified at the time a use permit is granted for a senior citizen housing facility.

## **20.00.060 Illustrations**

- A. Authority. The Planning Commission, in accordance with City Council policy, may authorize the Planning Director to provide diagrams or images to assist in conveying the information contained in this code.
- B. Procedure. The Planning Commission shall approve the addition, modification or deletion of any diagram or image published in conjunction with the Zoning Code.
- C. Conflicts. In case of conflict between the Zoning Code text and any diagram or image published in conjunction with the Zoning Code, the text shall control.

## **20.00.065 Rules for Interpretation**

- A. Zoning Regulations. Where uncertainty exists regarding the interpretation of any

provision of this code or its application to a specific site, the Planning Director shall determine the intent of the provision.

B. Districting Map. Where uncertainty exists regarding the boundary of a zoning district, the following rules shall apply:

1. District boundaries shown as approximately following the property line of a lot shall be construed to follow such property line.
2. On unsubdivided land, or where a district boundary divides a lot, the location of the district boundary shall be determined by using the scale appearing on the districting map, unless the boundary location is indicated by dimensions printed on the map or established by reference.
3. District boundaries shown as approximately following right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow such right-of-way or boundary lines.
4. District boundaries shown as lying with right-of-way lines of freeways, streets, alleys, railroads, or other identifiable boundary lines shall be construed to follow the centerline of such right-of-way or boundary lines.
5. District boundaries shown as approximately following the shoreline of the Pacific Ocean shall be construed to follow the mean high tide line.
6. District boundaries shown as approximately following the waterfront of Newport Bay shall be construed to follow the bulkhead line.
7. Should any uncertainty remain as to the location of a district boundary or other feature shown on the districting map, the location shall be determined by the Planning Director.

C. Appeals. An interpretation of the zoning regulations or districting map by the Planning Director may be appealed to the Planning Commission, as provided in Chapter 20.95.